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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,927	10/10/2001	Laurence Caisey-Bluteau	040742.01	7295

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EXAMINER	
SHAPIRO, LEONID	
ART UNIT	**PAPER NUMBER**
2677	

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/972,927	CAISEY-BLUTEAU ET AL.	
	Examiner	Art Unit	
	Leonid Shapiro	2677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 October 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Title

1. Title of Application is not reflecting the subject matter of invention as recited in Claims 1-5.

Abstract

2. Abstract of Application is not reflecting the subject matter of invention as recited in Claims 1-5.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-5 are rejected on the ground of nonstatutory double patenting over claims 11-15 of U. S. Patent No. 6,362,849 B1, if allowed, would improperly extend the "right to exclude" already granted in the patent.

Claim 1 of Application: A method of correcting the response of a display device having rasters of pixels, wherein, at a transition in the control level for pixels in the same raster line that gives rise to a variation of luminance at least between a pixel of said raster line and the pixel immediately following it, in the raster scanning direction, the control level of said immediately following pixel is selected as a function of the rate at which the luminance of pixels situated on the same raster line varies when the control level of said pixels varies.

Claim 11 of the patent: A method according to claim 10, wherein, at a control level transition for pixels in the same raster line giving rise to a change in luminance between at least between a pixel of said raster line and the pixel immediately following it, in the raster scanning direction, the control level for the electron beam reaching pixels situated on the same raster line varies when the control level of said pixel varies.

Claim 2 of Application: A method according to claim 1, wherein a correction function is determined for correcting the non-linearities of said display device by: displaying two zones having the same color but luminances that may be different, the color of one of said zones being obtained by juxtaposing pixels having different control levels, while the color of the other zone is obtained by a set of pixels all having the same control level; making the luminances of the two zones equal for an observer by acting on the pixel control levels of one of the zones; and from the values of the pixel control levels of each of said zones, deducing information for calculating said correction function for correcting the non-linearities of the display device.

Claim 12 of patent: A method according to claim 9, wherein a correction function is determined for correcting the non-linearities of said display device by: displaying two zones having the same color but luminances that may be different, the color of one of said zones being obtained by juxtaposing pixels having different control levels, while the color of the other zone is obtained by a set of pixels all having the same control level; making the luminances of the two zones equal for an observer by acting on the pixel control levels of one of the zones; and from the values of the pixel control levels of each of said zones, deducing information for calculating said correction function for correcting the non-linearities of the system.

Claim 3 of Application: A method according to claim 2, wherein said zone made up of pixels having different control levels is rasterized.

Claim 13 patent: A method according to claim 12, wherein said zone made up of pixels having different control levels is rasterized.

Claim 4 of Application: A method according to claim 3, wherein said rasterized zone includes raster lines in which every other raster line is black.

Claim 14 of patent: A method according to claim 13, wherein said rasterized zone includes raster lines in which every other raster line is black.

Claim 5 of Application: A method according to claim 3, wherein said zone made up of pixels having different control levels includes alternating pixels in each raster line having a control level that is different from the control level of the preceding pixel in said raster line.

Claim 5 of patent : A method according to claim 12, wherein said zone made up of pixels having different control levels includes alternating pixels in each raster line having a control level that is differs from the control level of the preceding pixel.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Randall et al.

Randall et al. teaches a method of correcting the response of a display device having rasters of pixels, wherein, at a transition in the control level for pixels in the same raster line that gives rise to a variation of luminance at least between a pixel of said raster line and the pixel immediately following it (See Fig. 2, items 60, 107, Col. 7, Lines 50-57), in the raster scanning direction, the control level of said immediately following pixel is selected as a function of the rate at which the luminance of pixels situated on the same raster line varies when the control level of said pixels varies (See Col. 3, Lines 11-31).

Telephone Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 571-272-7683. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on 571-272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LS
02.03.06

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